



Printer's Error
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January 29, 2016

SENATE BILL No. 10

DIGEST OF SB 10 (Updated January 28, 2016 2:04 pm - DI 116)

Citations Affected: IC 20-28.

Synopsis: Teacher salary supplemental payments. Adds factors for which a teacher may receive supplemental payments. Provides that not more than 50% of a supplemental payment may be added to the teacher's base salary, based upon school corporation policy.

Effective: July 1, 2016.

**Raatz, Kruse, Alting,
Randolph Lonnie M**

January 5, 2016, read first time and referred to Committee on Education & Career Development.
January 21, 2016, amended, reported favorably — Do Pass.
January 28, 2016, read second time, amended, ordered engrossed.

SB 10—LS 6147/DI 116



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 10

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1. (a) This chapter applies to a teacher in a school
4 corporation (as defined in IC 20-18-2-16(a)).
5 (b) A contract with a teacher may be canceled immediately in the
6 manner set forth in sections 2 through 4 of this chapter for any of the
7 following reasons:
8 (1) Immorality.
9 (2) Insubordination, which means a willful refusal to obey the
10 state school laws or reasonable rules adopted for the governance
11 of the school building or the school corporation.
12 (3) Incompetence, including:
13 (A) for probationary teachers, receiving an ineffective
14 designation on a performance evaluation or receiving two (2)
15 consecutive improvement necessary ratings on a performance
16 evaluation under IC 20-28-11.5; or
17 (B) for any teacher, receiving an ineffective designation on

SB 10—LS 6147/DI 116



SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

(b) For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if **under any of the following circumstances:**

(1) The teacher has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

(1) (A) a dual credit course; or

(2) (B) another course;

taught by the teacher.

(2) For school years beginning after June 30, 2016, the teacher has received authorization for the teacher's advanced placement course syllabus from the College Board for an advanced placement course taught by the teacher.

(3) For school years beginning after June 30, 2016, to attract or retain a teacher as needed.

(4) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. In addition, a supplemental payment may be made to

(5) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

The superintendent or the superintendent's designee shall prepare a written explanation for the decision to supplement a teacher's pay. The explanation must include supporting documentation based on the education and instructional benefit received by the school corporation. The explanation shall be filed in the teacher's



1 personnel file. The school corporation shall present this
 2 information to the governing body in either a public meeting or an
 3 executive session, at the discretion of the governing body. In
 4 addition, an amount determined under the policies adopted by the
 5 governing body but not exceeding fifty percent (50%) of the
 6 amount of a supplemental payment to an individual teacher in a
 7 particular state fiscal year beginning after June 30, 2016, becomes
 8 a permanent part of and increases the base salary of the teacher
 9 receiving the supplemental payment for school years beginning
 10 after the state fiscal year in which the supplemental payment is
 11 received. A ~~supplement~~ supplemental payment or an addition to a
 12 teacher's base salary provided under this subsection is not subject to
 13 collective bargaining, but a discussion of the ~~supplement~~ supplemental
 14 payment or addition to a teacher's base salary must be held. ~~Such~~
 15 A ~~supplement~~ supplemental payment under this subsection is in
 16 addition to any increase permitted under subsection ~~(b)~~: (c).

17 ~~(b)~~ (c) Increases or increments in a local salary range must be based
 18 upon a combination of the following factors:

19 (1) A combination of the following factors taken together may
 20 account for not more than thirty-three **and one-third** percent
 21 ~~(33%)~~ (33.33%) of the calculation used to determine a teacher's
 22 increase or increment:

23 (A) The number of years of a teacher's experience.

24 (B) The attainment of either:

25 (i) additional content area degrees beyond the requirements
 26 for employment; or

27 (ii) additional content area degrees and credit hours beyond
 28 the requirements for employment, if required under an
 29 agreement bargained under IC 20-29.

30 (2) The results of an evaluation conducted under IC 20-28-11.5.

31 (3) The assignment of instructional leadership roles, including the
 32 responsibility for conducting evaluations under IC 20-28-11.5.

33 (4) The academic needs of students in the school corporation.

34 ~~(c)~~ (d) A teacher rated ineffective or improvement necessary under
 35 IC 20-28-11.5 may not receive any raise or increment for the following
 36 year if the teacher's employment contract is continued. The amount that
 37 would otherwise have been allocated for the salary increase of teachers
 38 rated ineffective or improvement necessary shall be allocated for
 39 compensation of all teachers rated effective and highly effective based
 40 on the criteria in subsection ~~(b)~~: (c).

41 ~~(d)~~ (e) A teacher who does not receive a raise or increment under
 42 subsection ~~(c)~~ (d) may file a request with the superintendent or



1 superintendent's designee not later than five (5) days after receiving
 2 notice that the teacher received a rating of ineffective. The teacher is
 3 entitled to a private conference with the superintendent or
 4 superintendent's designee.

5 ~~(e)~~ (f) The department shall publish a model compensation plan
 6 with a model salary range that a school corporation may adopt. ~~Before~~
 7 ~~July 1, 2015, the department may modify the model compensation plan,~~
 8 ~~as needed, to comply with subsection (f).~~

9 ~~(f)~~ (g) Each school corporation shall submit its local compensation
 10 plan to the department. For a school year beginning after June 30,
 11 2015, a local compensation plan must specify the range for teacher
 12 salaries. The department shall publish the local compensation plans on
 13 the department's Internet web site.

14 ~~(g)~~ (h) The department shall report any noncompliance with this
 15 section to the state board.

16 ~~(h)~~ (i) The state board shall take appropriate action to ensure
 17 compliance with this section.

18 ~~(i)~~ (j) This chapter may not be construed to require or allow a school
 19 corporation to decrease the salary of any teacher below the salary the
 20 teacher was earning on or before July 1, 2015, if that decrease would
 21 be made solely to conform to the new compensation plan.

22 ~~(j)~~ (k) After June 30, 2011, all rights, duties, or obligations
 23 established under IC 20-28-9-1 before its repeal are considered rights,
 24 duties, or obligations under this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

- (1) Immorality.
- (2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.
- (3) Incompetence, including:
 - (A) for probationary teachers, receiving an ineffective designation on a performance evaluation or receiving two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or
 - (B) for any teacher, receiving an ineffective designation on two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under IC 20-28-11.5 for three (3) years of any five (5) year period.
- (4) Neglect of duty.
- (5) A conviction of an offense listed in IC 20-28-5-8(c).
- (6) Other good or just cause.

(c) In addition to the reasons set forth in subsection (b), a probationary teacher's contract may be canceled for any reason relevant to the school corporation's interest in the manner set forth in sections 2 through 4 of this chapter.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in ~~IC 20-28-9-1.5(b)~~ **IC 20-28-9-1.5** may be considered.

(e) Only the governing body may terminate, cancel, or otherwise refuse to renew a contract of a superintendent or assistant



superintendent. Notice of the contract cancellation or the refusal to renew the individual's contract must be provided in the manner provided in IC 20-28-8-3(a).

SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

(b) For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if **under the following circumstances:**

(1) The teacher has earned a master's degree from an accredited postsecondary educational institution **or has received approval for the teacher's advanced placement syllabus from the College Board** in a content area directly related to the subject matter of:

~~(1)~~ **(A)** a dual credit course; ~~or~~

(B) an advanced placement course; or

~~(2)~~ **(C)** another course;

taught by the teacher.

(2) For school years beginning after June 30, 2016, to attract or retain a teacher as needed.

(3) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. ~~In addition, a supplemental payment may be made to~~

(4) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a



particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A ~~supplement~~ supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the ~~supplement~~ supplemental payment or addition to a teacher's base salary must be held. ~~Such~~ A ~~supplement~~ supplemental payment under this subsection is in addition to any increase permitted under subsection ~~(b)~~ (c).

~~(b)~~ (c) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three **and one-third** percent ~~(33%)~~ (33.33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

~~(c)~~ (d) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection ~~(b)~~ (c).

~~(d)~~ (e) A teacher who does not receive a raise or increment under subsection ~~(c)~~ (d) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(e)~~ (f) The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. ~~Before~~



~~July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection (f).~~

~~(f)~~ **(g)** Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g)~~ **(h)** The department shall report any noncompliance with this section to the state board.

~~(h)~~ **(i)** The state board shall take appropriate action to ensure compliance with this section.

~~(i)~~ **(j)** This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j)~~ **(k)** After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 10 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 6, Nays 4.



SENATE MOTION

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 3, line 15, before "In" insert "**The superintendent or the superintendent's designee shall prepare a written explanation for the decision to supplement a teacher's pay. The explanation must include supporting documentation based on the education and instructional benefit received by the school corporation. The explanation shall be filed in the teacher's personnel file. The school corporation shall present this information to the governing body in either a public meeting or an executive session, at the discretion of the governing body.**".

(Reference is to SB 10 as printed January 22, 2016.)

KENLEY

 SENATE MOTION

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

(b) For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan **if under any of the following circumstances:**

(1) The teacher has earned a master's degree from an accredited postsecondary educational institution in a content area directly



related to the subject matter of:

(1) (A) a dual credit course; or

(2) (B) another course;

taught by the teacher.

(2) For school years beginning after June 30, 2016, the teacher has received authorization for the teacher's advanced placement course syllabus from the College Board for an advanced placement course taught by the teacher.

(3) For school years beginning after June 30, 2016, to attract or retain a teacher as needed.

(4) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. In addition, a supplemental payment may be made to

(5) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A supplement supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the supplement supplemental payment or addition to a teacher's base salary must be held. Such A supplement supplemental payment under this subsection is in addition to any increase permitted under subsection (b) (c).

(b) (c) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three and one-third percent (33 1/3%) (33.33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or



(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

~~(c)~~ **(d)** A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection ~~(b)~~: **(c)**.

~~(d)~~ **(e)** A teacher who does not receive a raise or increment under subsection ~~(c)~~ **(d)** may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(e)~~ **(f)** The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. ~~Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection (f).~~

~~(f)~~ **(g)** Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g)~~ **(h)** The department shall report any noncompliance with this section to the state board.

~~(h)~~ **(i)** The state board shall take appropriate action to ensure compliance with this section.

~~(i)~~ **(j)** This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.



~~(j)~~ **(k)** After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section."

Delete pages 2 through 4.

Renumber all SECTIONS consecutively.

(Reference is to SB 10 as printed January 22, 2016.)

RAATZ

